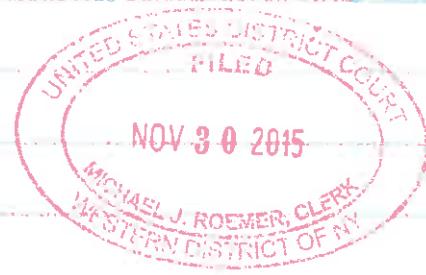


United States District Court
Western District of New York



KENNETH J. LIGHTNER, 13B3352

VS.

New York State Dept. of Corrections and Community Supervision,
Southport Correctional Facility Superintendent S. Wenderlich,
Southport Correctional Facility.

Case #6:15-cv-06195-EAW
Amended Complaint

Statement of Jurisdiction

This is a civil action seeking relief and damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. § 1331, 1333(3) and (4), 2201, and 2000.

Parties to this Action

Plaintiff: KENNETH JOSHUA LIGHTNER 13B3352
Five Points Correctional Facility
State Route 96, P.O. Box 119
Romulus, New York 14541

Defendants:

1) S. Wenderlich - Superintendent of Southport Corr. Facility

236 Bob Masin Dr.

PINE City, NEW YORK 14871

2) Southport Correctional Facility

236 Bob Masin Dr

PINE City, NEW York 14871

3) New York State Department of Corrections and Community Supervision

Harriman State Campus, Bld #2

1220 Washington Ave

Albany, New York 12226

Defendant S. Wenderlich is being sued in official and individual capacities.

Plaintiff Kenneth J. Lightfoot requests trial by jury.

There have been no other lawsuits in State or Federal court dealing with the same facts involved with this action.

There have been no other lawsuits in Federal court relating to my imprisonment

All administrative remedies have been fully exhausted.

First claim: Southport Corr. Facility violated R.L.U.I.P. Act AND created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Nov. 25th 2014 I filed a grievance with the Southport Corr. Facility about the lack of provision of halal food for muslims, noting that Kosher is provided for Jewish inmates and an alternative for Rastafarian inmates in which neither diets are vegetarian while muslims are forced to be vegetarians and coerced into another faith. Southport Corr. Fac. denied the grievance relying on current policy. The Constitutional basis for this claim is the R.L.U.I.P. Act.

Second claim: S. Wenderlich, Sup. of Southport Corr. Fac. violated R.L.U.I.P.A. AND created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Dec. 15, 2014 I appealed Southport Corr. Fac. decision to deny religious diet to S. Wenderlich, re-illustrating the practice of accomodating other faiths but not muslims. S. Wenderlich affirmed the denial. The Constitutional basis for this claim is the R.L.U.I.P. Act.

Third claim: NYSDOCCS. violated R.L.U.I.P. Act AND created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with Islamic faith. On Dec. 18th 2014 I appealed S. Wenderlich's decision to NYSDOCCS. NYSDOCCS affirmed the denial. The Constitutional basis for this claim is the R.L.U.I.P. Act.

Fourth claim: Southport Corr. Facility violated the First Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Nov. 25th 2014 I filed a grievance with the Southport Corr. Facility about the lack of provision of halal food for muslims, noting that Kosher is provided for Jewish inmates and an alternative for rastafarian inmates in which neither diets are vegetarian while muslims are forced to be vegetarians and coerced into another faith. Southport Corr. Facility denied the grievance relying on current policy. The Constitutional basis for this claim is the First Amendment.

Fifth Claim: S. Wenderlich, Sup. of Southport Corr. Facility violated the first amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Dec. 15 2014 I appealed Southport Corr. Fac. decision to deny religious diet to S. Wenderlich re illuminating the practice of accommodating other faiths but not muslims. S. Wenderlich affirmed the denial. The Constitutional basis for this claim is the First Amendment.

Sixth Claim: NYSDOCCS violated the First Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Dec. 18 2014 I appealed S. Wenderlich's decision to NYSDOCCS. NYSDOCCS affirmed the denial. The Constitutional basis for this claim is the First Amendment.

Seventh Claim: Southport Corr. Facility violated the equal protection clause of the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Nov. 25th 2014 I filed a grievance with Southport Corr. Fac. about the lack of provision of halal food for muslims while kosher food is provided to Jewish inmates and alternative provided to Rastafarian inmates, noting that both accommodations include meat while muslims are forced into being vegetarians and converted into another faith. Southport Corr. Fac. denied the grievance relying on current policy. The Constitutional basis for this claim is the Fourteenth Amendment.

Eighth Claim: S. Wenderlich violated the equal protection clause of the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Dec. 15th 2014 I appealed Southport Corr. Fac. decision to deny religious diet to S. Wenderlich re illuminating the practice of accommodating other faiths but not muslims. S. Wenderlich affirmed the denial. The Constitutional basis for this claim is the Fourteenth Amendment.

Ninth Claim: NYSDOCCS violated the equal protection clause of the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest and without attempting the least restrictive means by denying me a diet in accordance with my Islamic faith. On Dec. 18 2014 I appealed S. Wenderlich's decision to deny religious diet to NYSDOCCS re illuminating the practice of accommodating other faiths but not muslims. NYSDOCCS affirmed the denial. The Constitutional Basis for this claim is the Fourteenth Amendment.

Tenth Claim: Southport Coll. Fac. violated RLUIP Act and created a substantial burden on my religious liberty and the exercise thereof, and coerced me into choosing a different religion other than my own by denying me participation in Islamic study without a pedagogical interest or attempting the least restrictive means. On Dec. 5th 2014 I filed a grievance with Southport Coll. Facility over the Facilities refusal to allow me to participate in Religious study, namely a correspondence course from Islamic Online University, illuminating that the Facilities alternatives were secular, Catholic, Christian or Jewish study and schools. Southport Coll. Fac. denied grievance and asserted that I could choose a secular school or opt for a different religion. The Constitutional basis for this claim is the R.L.U.I.P Act.

Eleventh Claim: S. Wenderlich violated RLUIP Act and created a substantial burden on my religious liberty and the exercise thereof and coerced me into choosing a different religion other than my own by denying me participation and study of Islamic faith. On Dec. 15th 2014 I appealed Southport Coll. Fac. decision to S. Wenderlich re-illuminating and outlining the substantial burden and exercise of the position and policy being enforced. S. Wenderlich affirmed the denial. The Constitutional basis for this claim is the R.L.U.I.P Act.

Twelfth Claim: NYDOCS violated RLUIP Act and created a substantial burden on my religious liberty and the exercise thereof and coerced me into choosing a different religion other than my own. On Dec. 30th 2014 I appealed S. Wenderlich's decision to deny religious study to NYDOCS. NYDOCS marginally changed the determination of the grievance stating that I could be allowed to study Islam but only if the least level permitted it. The Constitutional basis for this claim is the R.L.U.I.P Act.

Thirteenth Claim: Southport Coll. Fac. violated the First Amendment and created a substantial burden on my religious liberty and the exercise thereof and coerced me into choosing a different religion other than my own without a pedagogical interest or attempting the least restrictive means by denying me participation in Islamic study. On Dec. 5th 2014 I filed a grievance with Southport Coll. Fac. over its refusal to permit me participation in Islamic correspondence course from Islamic Online University and the facilities alternative option to choose secular, Catholic, Christian or Jewish school and study. Southport Coll. Fac. denied the grievance. The Constitutional basis for this claim is the First Amendment.

Fourteenth Claim: S. Wenderlich violated the First Amendment and created a substantial burden on my religious liberty and the exercise thereof and coerced me into choosing a religion other than my own without a pedagogical interest or attempting the least restrictive means by denying me participation in Islamic Study. On Dec. 15th 2014

I appealed Southport Corr. Facility decision to deny study to S. Wenderlich and outlined the substantial burden and coercion of the position and policy being enforced. S. Wenderlich affirmed the denial. The Constitutional basis for this claim is the First Amendment.

Fifthteenth Claim: NYSDOCCS violated the First Amendment and created substantial burden on my religious liberty and the exercise thereof and coerced me into choosing a religion other than my own. On Dec. 30th 2014 I appealed S. Wenderlich's decision to deny religious study to NYSDOCCS. NYSDOCCS marginally changed the determination of the grievance stating that I could be allowed to study Islam if the local level permitted it. The Constitutional basis for this claim is the First Amendment.

Sixteenth Claim: Southport Corr. Fac. violated R.L.U.E.P.A. and created a substantial burden on my religious liberty and the exercise thereof by denying me attendance to congregational religious services without a penological interest or attempting the least restrictive means. On Dec. 17th 2014 I filed grievance due to Southport Corr. Fac. denial of attendance to congregational religious services pointing out several case law situations that permit attendance even if inmate is confined in Special Housing unit as long as inmate is non violent. Southport Corr. Facility denied grievance after changing it from "religious services" to "prayer outside the cell". The Constitutional basis for this claim is the R.L.U.E.P.A.

Seventeenth Claim: S. Wenderlich violated R.L.U.E.P.A. and created a substantial burden on my religious liberty and the exercise thereof without a penological interest or attempting the least restrictive means by denying me attendance to congregational religious services. On Dec. 27th 2014 I appealed Southport Corr. Fac. decision to deny my attendance to congregational religious services to S. Wenderlich restating my argument and reasons attendance should be granted. S. Wenderlich affirmed the denial. The Constitutional basis for this claim is the R.L.U.E.P.A.

Eighteenth Claim: NYSDOCCS violated R.L.U.E.P.A. and created a substantial burden on my religious liberty and the exercise thereof without a penological interest or attempting the least restrictive means by denying me attendance to congregational religious services. On Jan. 1st 2015 I appealed to NYSDOCCS the determination by S. Wenderlich, restating the points of my argument. NYSDOCCS affirmed the denial. The Constitutional Basis for this claim is the R.L.U.E.P.A.

Nineteenth Claim: Southport Corr. Fac. violated the First Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest or attempting the least restrictive means by denying me

Attendance to congregate religious services without a penological interest or attempting the least restrictive means On Dec. 17th 2014 I filed grievance due to Southport Corr. Fac. denial of attendance to congregate religious services pointing out several case law citations that permit attendance even if inmate is confined to Special Housing Unit as long as inmate is non violent. Southport denied grievance after changing the wording in it from "religious services" to "prayer outside the cell". The constitutional basis for this claim is the First Amendment.

Twentyighth Claim: S. Wenderlich violated the First Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest or attempting the least restrictive means by denying me attendance to congregate religious services. On Dec. 29th 2014 I appealed Southport Corr. Fac. decision to deny my attendance to congregate religious services to S. Wenderlich restating my argument and reasons attendance should be granted. S. Wenderlich affirmed the denial. The constitutional basis for this claim is the First Amendment.

Twentyfirst Claim: NYSDOCCS violated the First Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest or attempting the least restrictive means by denying me attendance to congregate religious services. On Jan. 1st 2015 I appealed to NYSDOCCS the determination by S. Wenderlich restating the points of my argument. NYSDOCCS affirmed the denial. The constitutional basis for this claim is the First Amendment.

Twenty Second claim: Southport Corr. Fac. violated the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof by denying me attendance to congregate religious services without a penological interest or attempting the least restrictive means. On Dec. 17th 2014 I filed grievance due to the denial of attendance to congregate religious services. Southport Corr. Fac. denied this grievance. The constitutional basis for this claim is the Fourteenth Amendment.

Twenty Third claim: S. Wenderlich violated the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest or attempting the least restrictive means by denying me attendance to congregate religious services. On Dec. 29th 2014 I appealed to S. Wenderlich the determination of Southport Corr. Fac. to deny attendance to congregate religious services. S. Wenderlich affirmed the denial. The constitutional basis for this claim is the Fourteenth Amendment.

Twenty fourth claim: NYSDOCCS violated the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof without a penological interest or attempting the least restrictive means by denying me

Attendance to congregable religious services. On Jan 1st 2015 I appealed to NYDOCCS the determination of S. Wenderlich to deny attendance to congregable religious services. NYDOCCS Affirmed the denial. The Constitutional basis for this claim is the Fourteenth Amendment.

Twenty Fifth Claim: Southport Corr. Fac. violated the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof and caused me to choose a religion other than my own without a penological interest or attempting the least restrictive means by denying me participation in Islamic study from the Islamic Online University. On Dec 5th 2014 I filed a grievance with Southport Corr. Fac. over its refusal to permit me participation in Islamic study and that the offered alternative was secular, catholic, christian or jewish schools and study. Southport Corr. Fac. denied the grievance and recommended I chose from the alternatives provided. The Constitutional basis for this claim is the Fourteenth Amendment.

Twenty Sixth Claim: S. Wenderlich violated the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof and caused me to choose a religion other than my own by denying me participation in Islamic study course. On Dec. 15th 2014 I Appalled the determination of denial by Southport Corr. Fac. to S. Wenderlich. S. Wenderlich Affirmed the denial and recommended I chose from the alternatives provided. The Constitutional basis for this claim is the Fourteenth Amendment.

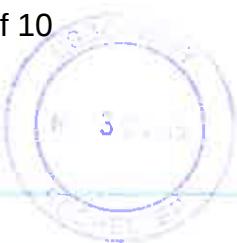
Twenty Seventh claim: NYDOCCS violated the Fourteenth Amendment and created a substantial burden on my religious liberty and the exercise thereof and caused me to choose a religion other than my own by denying me participation of Islamic study course. ON Dec. 30th 2014 I appealed the determination of S. Wenderlich to deny Islamic study to NYDOCCS. NYDOCCS altered the determination marginally, in that participation could be permitted by the local level. The Constitutional basis for this claim is the Fourteenth Amendment.

The relief and damages sought are injunctive that Islamic study be allowed to inmates, that Halal food be made available, that attendance to congregable religious services be granted and compensatory, One hundred thousand dollars for each violation of First & Fourteenth Amendments, totaling One million eight hundred thousand dollars.

I, Kenneth J. Lightner, declare under penalty of perjury that the foregoing is correct and true.

Executed on Nov. 23rd 2015

Signature of Plaintiff
Kenneth J. Lightner



To: Clerk of U.S. District Court

Date: 11/23/15

RE: Case # 6:15-cv-06195 EAW

From: Ken Lightner - 13B3352

Here is my Amended complaint for filing. PLEASE note that I no longer reside at Attica Corr. Facility and continuance to send letters to me there will result in at least 3 weeks of delay.

I received my time extension order granted on 10/26/15 on 11/22/15 - 8 days before the due date! I'm assuming my first letter updating your office & the court got lost. PLEASE use the new address provided below and on the envelope this letter came in for future correspondence. Thank you in advance and Happy Holidays!

C.C. Hon. Frank P. Geraci

Infirmity
Plattsville

Five Points Correctional Facility
State Route 96, P.O. Box 119
Romulus N.Y. 14541



FIVE POINTS CORRECTIONAL FACILITY

STATE ROUTE 96, P.O. BOX 119

ROMULUS, NEW YORK 14541

NAME: Ben Lishner

DIN: 13B33352 LOC: 12-A2-42

Clerk, U.S. District Court
United States Courthouse
Rochester N.Y. 14614-1387



* Legal Mail *